THE HONOURABLE SRI BILAL NAZKI

THE ACTING CHIEF JUSTICE

AND

THE HONOURABLE SRI JUSTICE

R.SUBHASH REDDY

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WRIT PETITION No. 12815 OF 2005

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Dated 5th October, 2005

Between:

Peeta Venkateswara Rao

… Petitioner

And

The Commissioner of Endowments,

Tilak Road, Hyderabad & others.

… Respondents.

ORAL ORDER:

(per Honourable Sri Bilal Nazki, the Acting Chief Justice)

Heard learned counsel for parties. Official Respondents have not filed any counter. Respondent No.4 has filed counter.

The grievance of the petitioner is that the action of respondents 1 to 3 in granting remission or refund of lease amount to the fourth Respondent was illegal. A further direction was sought that Respondents 1 to 3 should be directed to conduct public auction of quarry rights in respect of 118 acres in Demarcation No.33 of Vempadu Sarva Agraharam, Gollapalli village, Nuzividu Mandal, Krishna District. The petitioner claims to be the devotee of the deity to which the land belongs, whereas

Respondent No.4 has submitted that he is his business rival and political rival. Without going into that controversy, we have seen from the counter affidavit that the quarry lease has already been auctioned on 5.9.2005 and Respondent No.4 submits that he did not even participate in the auction, and, as such, as on today he is not holding any lease. Therefore, no directions are needed to be issued with respect to the second relief claimed by the petitioner.

Coming to the first relief that Respondents 1 to 3 should not grant any remission or refund, in the counter affidavit, it is stated that Respondent No.4 got remission on the ground that he had given a bid for land admeasuring 118 acres, but, on ground, it was found that the land was only Ac.66.28 cents. Therefore, he filed a Writ Petition being Writ Petition No. 14401 of 2002, which was decided by this Court on 26.8.2003. The court gave the following directions:

> "(a) The 1st respondent shall cause a joint survey of the land, to be undertaken in the presence of the Assistant Commissioner of Endowments, Vijayawada, Krishna district, Vigilance Officer, Endowments Department, Hyderabad, Mandal Revenue Officer, Nuzvid and the Executive Officer of the 3rd respondent-Temple.
>
> (b) It shall be open to the petitioner and the 4th respondent to be present by themselves or through their representatives.
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> © Whenever such survey is undertaken, the petitioner and the 4th respondent shall be issued notices intimating the dates of survey/inspection.
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> (d) Any decision as to the refund of the amount to the 4th respondent shall be taken on the outcome of the survey.
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> (e) This exercise shall be completed within 3 months from the date of receipt of this order."

In pursuance of those directions, a joint survey was conducted and as a result of the joint survey, remission was recommended by the Committee. Since the remission has not so far been given, but the Committee has recommended, therefore, Respondent No.4 has filed a Writ Petition No.13130 of 2005, which is pending before the Court. It will be open for the writ petitioner to resist the claim of the petitioner in such writ petition, if he is so advised.

The Writ Petition is accordingly disposed of. No costs.

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(BILAL NAZKI, ACJ.)

5.10.2005.

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(R.SUBHASH REDDY, J.)

VR.